



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,261	08/03/2006	Yoshifumi Yonemoto	L9289.06176	6464

52989 7590 12/10/2008

Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006

EXAMINER

BAIG, ADNAN

ART UNIT	PAPER NUMBER
----------	--------------

4172

MAIL DATE	DELIVERY MODE
-----------	---------------

12/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,261	Applicant(s) YONEMOTO ET AL.	
	Examiner ADNAN BAIG	Art Unit 4172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/3/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding the Claim 13, the condition for viewing the broadcast data stated in the claim language is unclear in regards to the applicant's specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 4172

4. Claims 8-11, and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Champagne (US Pat. 7,310,730).

Regarding Claim 8, Champagne discloses a data communication method comprising:

a transmission step of transmitting broadcast notification information containing a broadcast notification information identifier by a server (i.e., the request or broadcast notification information is communicated or transmitted by a broadcast server, Col. 3 Lines 24-29).

a receiving step of receiving of the broadcast notification information by a terminal (i.e., Referring to Fig. 2, the request is received at any one of the receivers (116a) from the network Item 108, Col. 3 Lines 26-29).

a transmission step of transmitting receivable notification information for the broadcast data from the terminal to the server based on the broadcast communication information (The example given in the paragraph is illustrated in Fig. 2. Each of the receivers will transmit a request of receivable notification information for the broadcast data to a server similar to Item 102 in Fig.2. Col. 6 Lines 8-15).

a transmission step of transmitting broadcast data based on the receivable notification information by the server (i.e., Broadcast data is generated or transmitted, Col. 4 Lines 5-8)

Art Unit: 4172

a receiving step of receiving the broadcast data by the terminal (Col. 3 Lines 29-36).

an ending step of saving the broadcast notification information identifier of the broadcast notification information (i.e., the broadcast is saved or stored in a cache. Col. 7 Lines 30-37).

and ending reception of broadcast notification information containing a broadcast notification information identifier that is the same as the saved broadcast notification information identifier by the terminal (i.e., when the broadcast stored is equivalent to a request and the same broadcast exists, the transmission of packets will discontinue, Col.7 (Lines 58-67)-Col.8 (Lines 1-5).

Regarding Claim 9, Champagne discloses the broadcast data communication method according to claim 8, wherein the broadcast notification information identifier is a broadcast notification information identifier uniquely specifying broadcast program information (i.e., The event refers to broadcast program information, Col. 7 Lines 47-57)

Regarding Claim 10, Champagne discloses the broadcast data communication method according to claim 8, wherein the broadcast notification information identifier is a broadcast notification information identifier uniquely specifying

Art Unit: 4172

broadcast program information that receives and plays back the broadcast data (i.e., When the event is retrieved from the stored broadcast, the user is able to receive and play back the broadcast data, Col. 7, Lines 30-37).

Regarding Claim 11, Champagne discloses the broadcast data communication method according to claim 8, wherein the broadcast notification information identifier is a service identifier for uniquely specifying a broadcast program group comprising one or more items of broadcast program information. (i.e., referring to Fig. 2, Item 206 has support for viewing multiple items of broadcast program information, Col. 5, Lines 17-25).

Regarding Claim 15, Champagne discloses the broadcast data receiving terminal according to claim 12, further comprising

a reception ending section that, when the broadcast notification information identifier stored in the saving section and the broadcast notification information identifier contained in the broadcast notification information are the same, ends reception of the broadcast notification information and skips sending receivable information for the broadcast data (i.e., Champagne shows that when the broadcast stored is equivalent to a request and the same broadcast exists, the transmission of packets will discontinue. Col.7 Lines (58-67)-Col.8 (Lines 1-5)).

Regarding Claim 16, Champagne discloses a data transmission server comprising:

an identifier addition section that adds a broadcast notification information identifier to broadcast notification information; (The claim language is interpreted in regards to the specification where a broadcast notification information identifier is the stored or saved broadcast request in the terminal. In the process described in the paragraph mentioned, the user will be able to retrieve stored broadcast notification which is added from the data transmission server, Col. 7 Lines 30-37).

a broadcast notification information transmission section that transmits the broadcast notification information; (Regarding the first communication channel, the request or broadcast notification information is clearly communicated or transmitted by a broadcast server, Col. 3 Lines 24-29);

a receiving section that receives receivable notification information for the broadcast data based on the broadcast notification information (Referring to Fig. 3, block 306 illustrates the first communication channel wherein the network node receives the receivable notification information, Col. 6 Lines 8-18).

an analysis section that analyzes the receivable notification information (Referring to Fig. 2, Network Node 202 analyzes or examines the broadcast packets before transmitting to the group of receivers, Col. 7 Lines 58-62).

a broadcast data transmission section that transmits broadcast data corresponding to the receivable notification information, Col. 3 Lines 24-36.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champagne (US 7,310,730) in view of Ooe (US 6,330,238).

Regarding Claim 12, Champagne discloses a broadcast data receiving terminal comprising:

a receiving section that receives broadcast notification information containing a broadcast notification information identifier and broadcast data Col. 3 Lines 26-29

Saving section that stores information Col. 11 Lines 63-65,

Champagne does not expressly disclose whether broadcast notification is necessary or unnecessary including a determining section.

However, the preceding limitation is known in the art of communications. Ooe teaches that the receiving node or terminal, uses a multicast table which contains a data send message or broadcast notification identifier. If the broadcast address does not exist within the table or receiving node, a data send message is transmitted to the server node to inform that broadcast is unnecessary. The same process would occur if the multicast address were to exist in the table. If the broadcast were to be necessary, the request would be made and broadcast data streams would be issued (Col. 3 Lines 9-20). Referring to the flow diagram in Fig. 1B, Ooe further illustrates whether broadcast notification is necessary or unnecessary in steps S5-S7. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a determining section for displaying the broadcast in the receiving terminal taught by Ooe within the system of Champagne for the use of efficient broadcast transmission and power consumption.

Regarding Claim 13, Champagne discloses a broadcast data receiving terminal where the broadcast data is stored in a cache for the user, but does not expressly disclose a condition based on whether it is necessary for a user to view the broadcast data. However, the preceding limitation is known in the art of communications. Ooe teaches a condition wherein a node in a communication network informs a data transmission node that broadcast is unnecessary if the broadcast address does not exist within the receiving nodes table, Col. 8 Lines

57-65. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to store broadcast data in a storage section and transmit under a condition to avoid unnecessary broadcast taught by Ooe, within the system of Champagne, for the use of efficient broadcast transmission and power consumption.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Champagne (US 7,310,730) in view of Ooe (US 6,330,238) as applied to claim 12 above, and further in view of Dutta (US 7,296,091).

Regarding Claim 14, Champagne in view of Ooe discloses all the limitations above. Champagne further teaches a receiving terminal that receives a notification for broadcast in a communication network (Col. 3 Lines 26-29). Champagne in view of Ooe does not directly illustrate the broadcast notification information output on a display.

However, the preceding limitation is known in the art of communications. Dutta shows a broadcast output request displayed in a receiving node, Col.11 Lines 8-11. Referring to Fig. 6A, Dutta illustrates local program listings or broadcast notification information on a radio wherein the user can select which broadcast is necessary for viewing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a display in the receiving node as taught by Dutta within the system of Champagne in view of Ooe, so the user is

Art Unit: 4172

able to determine or select a broadcast notification information output to prevent unnecessary broadcast.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADNAN BAIG whose telephone number is (571) 270-7511. The examiner can normally be reached on Mon-Fri 7:30m-5:00pm eastern Every other Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis West can be reached on 571-272-7859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/588,261
Art Unit: 4172

Page 11

/ADNAN BAIG/

Examiner, Art Unit 4172

/Jean A Gelin/

Primary Examiner, Art Unit 2617

December 4, 2008